

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

LOUISE PARIS, LTD. and RAINBOW USA,
INC.,

Plaintiffs,

v.

STANDARD FABRICS INTERNATIONAL,
INC.,

Defendant.

STANDARD FABRICS INTERNATIONAL,
INC.,

Counterclaimant,

v.

LOUISE PARIS, LTD.; RAINBOW USA,
INC.; and DOES 1-10,

Counterdefendants

Case No.: 15-CV-3250-KC

**REPLY DECLARATION OF JACOB
ZAKARIA**

I, Jacob Zakaria, declare that I am over 18 years old and am competent to make the testimony set forth below. Except for those matters stated on information and belief, I have personal knowledge of the following. If called as a witness, I could and would competently testify as follows:

1. I am the president of Standard Fabrics International, Inc. ("SFI"), the Counterclaimant in this action. I have personal knowledge of its business practices and its business records, for which I am a custodian. I make this declaration in support of SFI's Reply Memorandum in Support of Motion for Partial Summary Judgment.

2. After I was deposed in this action, SFI again reviewed its records, at my instruction, and confirmed that SFI's "7851" design (the "Subject Design") was listed, deposited, and registered with the Spring Summer 2014, Collection 1, registration no. VA 1-894-565. Indeed the version of the Subject Design that was deposited with the U.S. Copyright Office is the same version produced in this action and available in **Exhibit 1**, filed concurrently with SFI's Motion for Partial Summary Judgment.

3. SFI's design "4002" was inspired in part by an original artwork purchased and transferred from Bernini Studio s.r.l. Attached hereto as **Exhibit 15** is a true and correct copy of the assignment of that work to SFI. The assignment states in relevant part that the designs it assigns "are original artworks created by [Bernini's] studio" and "are original works of expression that, when taken as a whole, have sufficient originality and creativity to be entitled to copyright protection."

4. The Subject Design is comprised completely of original motifs created and owned by SFI, and is composed of artistic elements created and developed by SFI.

5. SFI maintains records for all of its designs and copyright registrations as a routine part of doing business, and did so for the Subject Design.

6. SFI consulted with the copyright office and filled out the copyright registration for the Spring Summer 2014, Collection 1 to the best of its abilities in good faith after consultation with the Copyright Office.

7. SFI had no reason whatsoever to include incorrect information in the application to register the Spring Summer 2014, Collection 1, and any error contained therein was completely unintentional.

I declare under penalty of perjury under the laws of New York and the United States of America that the foregoing is true and correct.

Executed on March 8, 2016 at Los Angeles, California.

By:



Jacob Zakaria, Declarant